

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AMERITAS LIFE INSURANCE
CORP.,

Plaintiff,
v.

WILMINGTON TRUST, N.A.,

Defendant.

Case No. 19-cv-18713-KM-ESK

ORDER

THIS MATTER having come before the Court on plaintiff's motion to enforce the subpoena directed to Life Equity, LLC¹ (Motion) (ECF No. 56); and Life Equity having opposed the Motion (ECF No. 57); and plaintiff having filed a reply to the opposition in further support of the Motion (ECF No. 58); and the Court having held a hearing on the Motion on July 9, 2021 (minute entry after ECF No. 63); and the Court having directed plaintiff and Life Equity to meet and confer to resolve the issues raised in the Motion and to file supplemental letters if the issues were not resolved (ECF No. 64 ¶1); and the Court having held a further hearing on November 30, 2021 (Hearing) (minute entry after ECF No. 89); and for the reasons set forth on the record at the Hearing,

IT IS on this 1st day of **December 2021** **ORDERED** that:

1. The Motion is **GRANTED in part and DENIED in part** as follows:

¹ The caption to the notice of motion refers to "Viasource Financial Group, LLC" as the party against whom plaintiff seeks enforcement.

(a) Life Equity shall run the following search terms for electronically stored information and documents relating to its involvement in the purchase and sale of the portfolio of life insurance policies, which included the Sarn Policy²:

- i. "Sarn"
- ii. "Liberty Planning"
- iii. "Chaim Lebovitz"
- iv. "Jon! Hercsky"³
- v. "Sam! Friedman"
- vi. "STOLI"
- vii. stranger w/s⁴ "life insurance" or "insurance"
- viii. specul! w/s "life insurance" or "insurance"
- ix. spin w/s "life insurance" of "insurance"

(b) Life Equity shall produce all electronically stored information and documents in its possession relating to the Sarn Policy and any other policies issued to the Sarn Trust and/or to Bernard Sarn.

2. Plaintiff and Life Equity shall confer and agree on a schedule for the production of electronically stored information and documents from Life Equity to plaintiff.

/s/ Edward S. Kiel
EDWARD S. KIEL
UNITED STATES MAGISTRATE JUDGE

² The Sarn Policy is Universal Life Insurance Policy number xxxxxx9353 issued by The Union Central Life Insurance Company on July 20, 2017 to The Bernard Sarn 2007 Insurance Trust (Sarn Trust). (See ECF No. 56-1 p.3.)

³ The exclamation point represents a root expander. For example, "Sam! Friedman" would return matches for "Sam Friedman," "Sammy Friedman," "Samuel Friedman," etc.

⁴ The "w/s" stands for "within the same sentence."